

Message

---

**From:** Yannayon, Laura [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=0EC245483F2D4762801CD01D01220F92-LYANNAYO]  
**Sent:** 10/21/2019 3:45:19 PM  
**To:** Mike Morris (mmorris@aqmd.gov) [mmorris@aqmd.gov]  
**Subject:** FW: Meeting to Discuss RECLAIM Transition Issues  
**Attachments:** MCarroll Revisions to RECLAIM mtg agenda 10-22 (002)\_111399638\_1\_0.DOCX

Hi Mike,  
We received this from Mike Carroll. Thought we'd pass it on as a FYI.

Laura

-----Original Message-----

**From:** MICHAEL.CARROLL@LW.com <MICHAEL.CARROLL@LW.com>  
**Sent:** Friday, October 18, 2019 12:35 PM  
**To:** Rios, Gerardo <Rios.Gerardo@epa.gov>; Zimpfer, Amy <Zimpfer.Amy@epa.gov>  
**Cc:** Israels, Ken <Israels.Ken@epa.gov>; Zabel, Allan <Zabel.Allan@epa.gov>; Bushey, Douglas <bushey.douglas@epa.gov>; Lo, Doris <Lo.Doris@epa.gov>; Yannayon, Laura <Yannayon.Laura@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Gong, Kevin <Gong.Kevin@epa.gov>; Tong, Stanley <Tong.Stanley@epa.gov>; Adams, Elizabeth <Adams.Elizabeth@epa.gov>  
**Subject:** RE: Meeting to Discuss RECLAIM Transition Issues

Hello all.

I have added some discussion to each of the agenda items for our meeting next week on the SCAQMD RECLAIM transition. The discussion frames up each issue and presents the RFG's position on the issue. What we hope to accomplish during our meeting is a better understanding of EPA's position on each of the issues, including whether EPA concurs with our views, and if not, why. I hope this additional detail is helpful.

We will only have three people attending the meeting in person, myself, Susan Stark from Marathon Petroleum Corporation, and Lauren Nevitt from SoCalGas.

Thank you for agreeing to meet with us on this important matter. We are hopeful that this format will provide an opportunity for a more meaningful exchange with US EPA staff than has been possible in the context of the Working Group meetings, and we appreciate the opportunity. Please let me know if you have any other questions.

Regards, Mike.

Michael J. Carroll

LATHAM & WATKINS LLP

## Ex. 6 Personal Privacy (PP)

-----Original Message-----

**From:** Rios, Gerardo <Rios.Gerardo@epa.gov>  
**Sent:** Tuesday, October 15, 2019 1:13 PM  
**To:** Carroll, Michael (OC) <MICHAEL.CARROLL@LW.com>; Zimpfer, Amy <Zimpfer.Amy@epa.gov>  
**Cc:** Israels, Ken <Israels.Ken@epa.gov>; Zabel, Allan <Zabel.Allan@epa.gov>; Bushey, Douglas <bushey.douglas@epa.gov>; Lo, Doris <Lo.Doris@epa.gov>; Yannayon, Laura <Yannayon.Laura@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Gong, Kevin <Gong.Kevin@epa.gov>; Tong, Stanley <Tong.Stanley@epa.gov>; Adams, Elizabeth <Adams.Elizabeth@epa.gov>  
**Subject:** RE: Meeting to Discuss RECLAIM Transition Issues

One more thing Mike,

We thought about the topical areas you listed, and thought about re-arranging the order. I've attached a copy here for you to take a look. Maybe you can identify the issues here.

Also, do you have a final list of attendees? We need to make sure that our security people have that list in advance.

Thanks.

-----Original Message-----

From: MICHAEL.CARROLL@LW.com <MICHAEL.CARROLL@LW.com>

Sent: Tuesday, October 15, 2019 12:08 PM

To: Rios, Gerardo <Rios.Gerardo@epa.gov>; Zimpfer, Amy <Zimpfer.Amy@epa.gov>

Cc: Israels, Ken <Israels.Ken@epa.gov>; Zabel, Allan <Zabel.Allan@epa.gov>; Bushey, Douglas <bushey.douglas@epa.gov>; Lo, Doris <Lo.Doris@epa.gov>; Yannayon, Laura <Yannayon.Laura@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Gong, Kevin <Gong.Kevin@epa.gov>; Tong, Stanley <Tong.Stanley@epa.gov>

Subject: RE: Meeting to Discuss RECLAIM Transition Issues

Hello all.

Yes, I can provide more information on the issues identified below. I will get it to you today or tomorrow.

Also, the calendar invitation sent by EPA for this meeting identified WSPA as our client. While we do represent WSPA in connection with the RECLAIM transition, this particular meeting was requested on behalf of another client - the Regulatory Flexibility Group (RFG), which is a coalition that includes the aerospace, utility and petroleum refining sectors. There is some overlap in membership between WSPA and RFG, and for the most part the positions of the two entities are aligned with respect to the RECLAIM transition, but this particular meeting is on behalf of the RFG.

Regards, Mike.

Michael J. Carroll

LATHAM & WATKINS LLP

## Ex. 6 Personal Privacy (PP)

-----Original Message-----

From: Rios, Gerardo <Rios.Gerardo@epa.gov>

Sent: Tuesday, October 15, 2019 9:01 AM

To: Carroll, Michael (OC) <MICHAEL.CARROLL@LW.com>; Zimpfer, Amy <Zimpfer.Amy@epa.gov>

Cc: Israels, Ken <Israels.Ken@epa.gov>; Zabel, Allan <Zabel.Allan@epa.gov>; Bushey, Douglas <bushey.douglas@epa.gov>; Lo, Doris <Lo.Doris@epa.gov>; Yannayon, Laura <Yannayon.Laura@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Gong, Kevin <Gong.Kevin@epa.gov>; Tong, Stanley <Tong.Stanley@epa.gov>

Subject: RE: Meeting to Discuss RECLAIM Transition Issues

Hi Mike,

Do you have an agenda with more specifics to share with us? That is, are there specific issues you want to discuss under the topics you shared with us previously?

=====  
Here is what you had shared previously.

### New Source Review (NSR) and Anti-Backsliding Concerns

- \* NSR Applicability Trigger
- \* Methodology for Calculating Required Offsets
- \* Use of SCAQMD Internal Bank to Satisfy NSR Offsets
- \* NSR Holding Requirement
- \* Requirement to Demonstrate that Emissions Remain Below Final Cap
- \* Viability of Retaining RECLAIM NSR

### New BARCT Standards

- \* Multi-Pollutant BARCT Standards
- \* Availability of Alternative Emission Control Plans

Thanks Mike

Gerardo C. Rios, PE  
Manager, Permits Office  
Air and Radiation Division

-----Original Message-----

From: MICHAEL.CARROLL@LW.com <MICHAEL.CARROLL@LW.com>  
Sent: Wednesday, September 11, 2019 7:54 AM  
To: Zimpfer, Amy <Zimpfer.Amy@epa.gov>  
Cc: Adams, Elizabeth <Adams.Elizabeth@epa.gov>; Israels, Ken <Israels.Ken@epa.gov>; Rios, Gerardo <Rios.Gerardo@epa.gov>; Zabel, Allan <Zabel.Allan@epa.gov>; Bushey, Douglas <bushey.douglas@epa.gov>; Lo, Doris <Lo.Doris@epa.gov>; Yannayon, Laura <Yannayon.Laura@epa.gov>; Law, Nicole <Law.Nicole@epa.gov>; Gong, Kevin <Gong.Kevin@epa.gov>; Tong, Stanley <Tong.Stanley@epa.gov>  
Subject: RE: Meeting to Discuss RECLAIM Transition Issues

Thanks Amy. How about 1:00?

Mike

Sent with BlackBerry Work  
(www.blackberry.com)

From: Zimpfer, Amy <Zimpfer.Amy@epa.gov<mailto:Zimpfer.Amy@epa.gov>>  
Date: Tuesday, Sep 10, 2019, 6:56 PM  
To: Carroll, Michael (OC) <MICHAEL.CARROLL@LW.com<mailto:MICHAEL.CARROLL@LW.com>>  
Cc: Adams, Elizabeth <Adams.Elizabeth@epa.gov<mailto:Adams.Elizabeth@epa.gov>>, Israels, Ken <Israels.Ken@epa.gov<mailto:Israels.Ken@epa.gov>>, Rios, Gerardo <Rios.Gerardo@epa.gov<mailto:Rios.Gerardo@epa.gov>>, Zabel, Allan <Zabel.Allan@epa.gov<mailto:Zabel.Allan@epa.gov>>, Bushey, Douglas <bushey.douglas@epa.gov<mailto:bushey.douglas@epa.gov>>, Lo, Doris <Lo.Doris@epa.gov<mailto:Lo.Doris@epa.gov>>, Yannayon, Laura <Yannayon.Laura@epa.gov<mailto:Yannayon.Laura@epa.gov>>, Law, Nicole <Law.Nicole@epa.gov<mailto:Law.Nicole@epa.gov>>, Gong, Kevin <Gong.Kevin@epa.gov<mailto:Gong.Kevin@epa.gov>>, Tong, Stanley <Tong.Stanley@epa.gov<mailto:Tong.Stanley@epa.gov>>  
Subject: Re: Meeting to Discuss RECLAIM Transition Issues

Hi Mike,

We have been coordinating with SCAQMD on scheduling. Please look soon for an email from Laura Hall, our Administrative Assistant who will help with scheduling a time that will work for all.

I will give you a call tomorrow to get a better sense of your interests and a possible agenda. What time might be good for a short conversation?

Amy

Sent from my iPhone

On Sep 10, 2019, at 9:58 AM, MICHAEL.CARROLL@LW.com<mailto:MICHAEL.CARROLL@LW.com>  
<MICHAEL.CARROLL@lw.com<mailto:MICHAEL.CARROLL@lw.com>> wrote:

Hi Amy.

Just circling back to see if you have been able to identify any available dates.

Thanks. Mike

Michael J. Carroll

LATHAM & WATKINS LLP

## Ex. 6 Personal Privacy (PP)

From: Carroll, Michael (OC)  
Sent: Wednesday, August 21, 2019 12:54 PM  
To: 'Zimpfer, Amy' <Zimpfer.Amy@epa.gov<mailto:Zimpfer.Amy@epa.gov>>; Adams, Elizabeth <Adams.Elizabeth@epa.gov<mailto:Adams.Elizabeth@epa.gov>>; Israels, Ken <Israels.Ken@epa.gov<mailto:Israels.Ken@epa.gov>>; Rios, Gerardo <Rios.Gerardo@epa.gov<mailto:Rios.Gerardo@epa.gov>>  
Cc: Zabel, Allan <Zabel.Allan@epa.gov<mailto:Zabel.Allan@epa.gov>>; Bushey, Douglas <bushey.douglas@epa.gov<mailto:bushey.douglas@epa.gov>>; Lo, Doris <Lo.Doris@epa.gov<mailto:Lo.Doris@epa.gov>>; Yannayon, Laura <Yannayon.Laura@epa.gov<mailto:Yannayon.Laura@epa.gov>>; Law, Nicole

<Law.Nicole@epa.govmailto:Law.Nicole@epa.gov>; Gong, Kevin  
<Gong.Kevin@epa.govmailto:Gong.Kevin@epa.gov>; Tong, Stanley  
<Tong.Stanley@epa.govmailto:Tong.Stanley@epa.gov>  
Subject: RE: Meeting to Discuss RECLAIM Transition Issues

Thanks Amy. We will stand by.

Regards, Mike.

Michael J. Carroll

LATHAM & WATKINS LLP

## Ex. 6 Personal Privacy (PP)

From: Zimpfer, Amy <Zimpfer.Amy@epa.govmailto:Zimpfer.Amy@epa.gov>  
Sent: Wednesday, August 21, 2019 12:24 PM  
To: Carroll, Michael (OC) <MICHAEL.CARROLL@LW.commailto:MICHAEL.CARROLL@LW.com>; Adams, Elizabeth  
<Adams.Elizabeth@epa.govmailto:Adams.Elizabeth@epa.gov>; Israels, Ken  
<Israels.Ken@epa.govmailto:Israels.Ken@epa.gov>; Rios, Gerardo  
<Rios.Gerardo@epa.govmailto:Rios.Gerardo@epa.gov>  
Cc: Zabel, Allan <Zabel.Allan@epa.govmailto:Zabel.Allan@epa.gov>; Bushey, Douglas  
<bushey.douglas@epa.govmailto:bushey.douglas@epa.gov>; Lo, Doris  
<Lo.Doris@epa.govmailto:Lo.Doris@epa.gov>; Yannayon, Laura  
<Yannayon.Laura@epa.govmailto:Yannayon.Laura@epa.gov>; Law, Nicole  
<Law.Nicole@epa.govmailto:Law.Nicole@epa.gov>; Gong, Kevin  
<Gong.Kevin@epa.govmailto:Gong.Kevin@epa.gov>; Tong, Stanley  
<Tong.Stanley@epa.govmailto:Tong.Stanley@epa.gov>  
Subject: RE: Meeting to Discuss RECLAIM Transition Issues

Hi Mike,

Thank you for circling back. Elizabeth is on leave through Friday, so I'm providing an interim response. We will get back to you early next week. As I believe Elizabeth mentioned, we will invite SCAQMD staff to participate in this discussion.

Regards,  
Amy

From: MICHAEL.CARROLL@LW.commailto:MICHAEL.CARROLL@LW.com  
<MICHAEL.CARROLL@LW.commailto:MICHAEL.CARROLL@LW.com>  
Sent: Wednesday, August 21, 2019 12:03 PM  
To: Adams, Elizabeth <Adams.Elizabeth@epa.govmailto:Adams.Elizabeth@epa.gov>; Zimpfer, Amy  
<Zimpfer.Amy@epa.govmailto:Zimpfer.Amy@epa.gov>; Israels, Ken  
<Israels.Ken@epa.govmailto:Israels.Ken@epa.gov>; Rios, Gerardo  
<Rios.Gerardo@epa.govmailto:Rios.Gerardo@epa.gov>  
Subject: Meeting to Discuss RECLAIM Transition Issues

Hello all.

Just circling back here on our previous communications about a meeting to discuss certain issues related to the transition away from the SCAQMD RECLAIM program. Below is a tentative list of the issues that we would like to discuss so that we can better understand EPA's positions. We would also welcome discussion of any other issues of concern to EPA. If possible, we would like to identify a mutually acceptable date during the week of September 9 (preferably early in that week). Please let me know if there is a date within that period that would work for you.

Regards, Mike

### New Source Review (NSR) and Anti-Backsliding Concerns

- \* NSR Applicability Trigger
- \* Methodology for Calculating Required Offsets
- \* Use of SCAQMD Internal Bank to Satisfy NSR Offsets
- \* NSR Holding Requirement
- \* Requirement to Demonstrate that Emissions Remain Below Final Cap

- \* Viability of Retaining RECLAIM NSR
- New BARCT Standards
- \* Multi-Pollutant BARCT Standards
- \* Availability of Alternative Emission Control Plans

Michael J. Carroll

LATHAM & WATKINS LLP

## Ex. 6 Personal Privacy (PP)

This email may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, disclosure, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and delete all copies including any attachments.

Latham & Watkins LLP or any of its affiliates may monitor electronic communications sent or received by our networks in order to protect our business and verify compliance with our policies and relevant legal requirements. Any personal information contained or referred to within this electronic communication will be processed in accordance with the firm's privacy notices and Global Privacy Standards available at [www.lw.com](http://www.lw.com)<<http://www.lw.com>>.